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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:12-cr-00862-YGR
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER TO EXCLUDE TIME
)	AND CONTINUE HEARING DATE
MIGUEL IBARRIA)	
BRIAN FEDERICO)	
KEVIN LANEY)	
BRANDON HOURMOUZUS)	
CHARLES BURNETT,)	
)	
Defendants.)	

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and the defendants, by and through their counsel of record, hereby stipulate as follows:

1. The parties are set to appear on June 12, 2013 at 2:00 p.m. for status. At the status conference on April 11, 2013, I provided a discovery request to Mr. Corrigan for additional information needed to prepare Mr. Federico's defense and the matter was continued to May 2, 2013, by stipulation and order.

- 1 2. On May 2, 2013, Assistant United States Attorney, Brian C. Lewis appeared and is now
2 handling this case as former AUSA, Stephen G. Corrigan, retired.
- 3 3. On May 24, 2013, I met with Mr. Lewis to discuss this case and the discovery request. Mr.
4 Lewis is in the process of obtaining the records requested. The information requested will
5 not be ready by the date of the status conference scheduled for June 12, 2013. Even if it was
6 received by that date, it is not sufficient time for me to review those documents to be ready to
7 proceed on June 12, 2013.
- 8 4. By this stipulation, the defendants now move to continue the status conference until July 25,
9 2013, and to exclude time between June 12, 2013 to July 25, 2013. The Government does not
10 oppose this request.
- 11 5. Counsel for the defendant believes that failure to grant the above requested continuance
12 would deny him the reasonable time necessary for effective preparation, taking into account
13 the exercise of due diligence and the government does not object to the continuance.
- 14 6. Based on the above-stated findings, the ends of justice served by continuing the case as
15 requested outweigh the interest of the public and the defendants in a trial within the original
16 date prescribed by the Speedy Trial Act.
- 17 7. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
18 within which trial must commence, the time period of June 12, 2013, to July 25, 2013,
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it
20 results from a continuance granted by the Court at defendants' request on the basis of the
21 Court's finding that the ends of justice served by taking such action outweigh the best interest
22 of the public and the defendants in a speedy trial.
- 23 8. Nothing in this stipulation and order shall preclude a finding that other provisions of the
24 Speedy Trial Act dictate that additional time periods are excludable from the period within
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1 which a trial must commence.

2 9. This is the second request for a continuance by stipulation and order for defendant Federico.

3 There were four continuances made in open court.

4
5 10. This is the first continuance by stipulation and order for defendant Laney. There were four
6 continuances made in open court.

7 11. This is the first continuance by stipulation and order for defendants Hourmouzus and Burnett.

8 Previous continuances were made in open court.

9 12. Defendant Ibarria has entered a plea of guilty.

10 IT IS SO STIPULATED.

11 Respectfully Submitted,

12 TIM F. TUITAVUKI
13 Attorney at Law

14
15 Dated: June 7, 2013

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17 TIM F. TUITAVUKI
18 Attorney for Brian Federico

19
20 Dated: June 7, 2013

21
22 BRIAN C. LEWIS
23 Assistant U.S. Attorney

24
25 Dated: June 7, 2013

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27 RUSSELL S. HUMPHREY
28 Attorney for Kevin Laney

29
30 Dated: June 7, 2013

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32 BRENT FAIRBANKS ROMNEY
33 Attorney for Miguel Ibarria

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35 Dated: June 7, 2013


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37 TIM ALLEN PORRI
38 Attorney for Brandon Hourmouzus

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40 Dated: June 7, 2013

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42 ROBERT JOSEPH BELES
43 Attorney Charles Burnett

1 Status continued to Thursday, July 25, 2013 at 9:30am, specially set time.
2 IT IS SO ORDERED.

3 June 11, 2013
4 DATE: ~~June 7, 2013~~


YVONNE GONZALEZ ROGERS
United States District Court Judge